

REMARKS

Claims 1, 2, 4-10, and 12-16 remain in this application. Claims 21 and 22 are withdrawn while claims 3, 11, and 17-20 have been cancelled. No new subject matter is believed to have been added by this Amendment.

The Applicant would like to thank the Examiner for the telephone interview conducted on January 11, 2011 discussing the prior art as summarized in the Telephone Interview mailed January 19, 2011.

In Section 2 of the Office Action, the Examiner indicates that the phrase "the at least one resilient rib" in part a) of that claim lacks antecedent basis. Claim 17 has been cancelled.

In Section 4 of the Office Action, the Examiner rejects claims 1, 2, 4-6, 8, and 14-16 under 35 U.S.C. §102(b) as being anticipated by the teaching of United States Patent No. 6,226,934 to Gaston (hereinafter the "Gaston patent"). In particular, the Examiner cites and discusses Fig. 10(c) of the Gaston patent. The Gaston patent is directed to a landscape edging system having block attachment member, wherein, in particular, Fig. 10 (c) is directed to a block 60 having an enlarged recess 80 into which a top rail 14 is engaged. The top rail 14 extends along an axis into the block 60 and, as a result, each top rail 14 is dedicated to securing a single block 60. The Applicant's invention, on the other hand and as illustrated in Fig. 1, has at least two frame members spaced apart from one another with each frame member having at least one receptor pocket extending therein or at least one resilient rib protruding therefrom, which engage with a receptor pocket or a resilient rib of the plank member. This arrangement is further described in paragraph [0048] of the specification, which illustrates a side section view of a plank member and an end view of a frame member. Claim 1 has been amended to include such a limitation. Claims, 2, 4-6, 8, and 14-16 depend from claim 1 and, as a result, to the extent that claim 1 defines over the teaching of the Gaston patent, so too do these dependent claims.

During the telephone conversation of January 11, 2011, with the Examiner, there was agreement that this distinction would define over the teaching of the Gaston patent.

In Section 5 of the Office Action, the Examiner rejects claims 17 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0066242 to Hsu.

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Claim 17 has been cancelled.

In Section 7 of the Office Action, the Examiner rejects claims 7, 9, 10, 12 and 13 under 35 U.S.C. §103(a) as being obvious in view of the teaching of the Gaston patent. Each of these claims is dependent upon independent claim 1 and the Applicant believes that claim 1 now defines over the teaching of the Gaston patent and by way of their dependence upon independent claim 1, claims 7, 9, 10, 12 and 13 also define over the teaching of the Gaston patent.

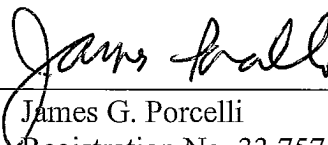
Claim 1 has been further amended to eliminate subparagraph d) but further amends subparagraph e) stating that at least one rib has a maximum height and the at least one receptive pocket has a minimum width, such that the rib may be captured within the receptor pocket. This arrangement is illustrated in Fig. 3 and discussed in paragraph [0036] of the specification.

The Applicant notes that the double patenting rejection has been withdrawn.

Reconsideration and allowance of pending claims 1, 2, 4-10, and 12-16 are respectively requested.

Respectfully submitted,

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